

# Jail abuse findings come out today

By Christina Villacorte  
Staff Writer

Fr 9-28-12

Daily Breeze

After a nine-month investigation, a blue-ribbon panel will report today on whether Sheriff Lee Baca failed to protect inmates from being brutalized by deputies in the nation's largest jail system, and how he can prevent future abuse.

The Citizens' Commission on Jail Violence — composed of several retired judges, a police chief, and a religious and civil rights leader, all appointed by the county Board of Supervisors — will issue 77 findings and 63 recommendations on the management, oversight

and use of force in county jails. Its executive director, Miriam Krinsky, said the commission's recommendations should not be taken lightly.

"It's our view that we've conducted a thorough, fair and thoughtful investigation," she said. "It is our hope that our board and our sheriff will consider them as they look to move forward and hopefully bring about improvement." Baca's spokesman, Steve Whitmore, said the sheriff would not comment on the recommendations until he has seen them. However, Whitmore insisted

the commission's investigators got it wrong last month when they criticized the management of the jails and said deputies had a "force-first" approach toward inmates.

"I categorically deny that there is a culture in our jails where the best way to contain any situation is to use head strikes or violence," he said. "In fact, the sheriff believes that our jailers, our deputy sheriffs, should be the civil rights leaders of the community."

toward the recommendations, adding, "The allegations are pretty serious, and he needs to do what he needs to do to fix it."

beatings from two chaplains, a Hollywood producer who volunteered at the jails and an ACLU monitor. Whitmore said the Sheriff's Department has been looking into those incidents cited by the ACLU.

from the department," he said. "They don't have the commitment and the experience to do custody right, and that's why I think it's very important to bring in somebody from the outside to run custody."

Eliasberg acknowledged the commission does not have authority over the sheriff, an elected official, but said the board and the public have ways of preventing him from balking at the recommendations.

"The Board of Supervisors has skin in the game," he said. "They appointed this commis-

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sion, and they would be lying down on the job if they do not regularly call the sheriff in to report and say, 'Are you implementing these recommendations? If you are, prove to me that you are. If you're not, tell me why you're not.'

"Also, I think there are creative things the board can do with the Sheriff's Department's budget to give some real incentive for the sheriff to follow the recommendations."

As for the public, Eliasberg noted they have the power to re-elect Baca — or not — in a couple of years.

"Whether Baca is obligated to follow the recommendations depends on how one defines 'obligated,'" Supervisor Mark Ridley-Thomas said.

"Is he legally, morally, politically or fiscally obligated — that's really the issue," he added.

Whitmore said Baca is already addressing the allegations of abuse, including creating a Commander Management Task Force to investigate.

Whitmore added lack of money has stalled other reforms, noting the sheriff's "master plan" for the jail system includes a \$1 billion proposal to build new jail facilities.

"The sheriff needs more people, more funding, to add to supervision of the jails, the investigation of the abuse," Whitmore said, noting the custody personnel-to-inmate ratio is 1:5 in Los Angeles County, and 1:1.5 at Rikers Island in New York.

Whitmore also pointed out that deputies annually seize about 5,200 weapons from inmates in Los Angeles County, when the corresponding number in Rikers Island is about

2,000.

The commission reviewed 35,000 pages of documents and interviewed about 150 witnesses, including past and present Sheriff's Department personnel, experts who have run corrections systems or who are knowledgeable about it, inmates, clergy, independent overseers and others.

Its members are retired judges Lourdes Baird, Robert Bonner, Carlos Moreno and Dickran Tevrizian Jr.; Long Beach Police Chief Jim McDonnell; National Council on Crime and Delinquency President Alexander Busansky; and the Rev. Cecil Murray.

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# Busting Baca over the jails

Sunday 9-30-12 LA Times

**T**HE REPORT ISSUED Friday by the Citizens' Commission on Jail Violence, which lambastes Sheriff Lee Baca's management of the county jails and suggests that he probably would have been fired for incompetence had he been working in the private sector, should come as a surprise to no one. In recent months, the public has been barraged by reports describing violence against inmates, gang-like cliques of deputies, lack of meaningful oversight and an institutional culture of arrogance and impunity.

The report includes 63 recommendations that could serve Baca as a blueprint to help overhaul the nation's largest jail system. But they are, in the end, just that — recommendations. Baca is an elected official, not subject to the authority of the commission or the Board of Supervisors or anyone except the voters when his term comes up in 2014.

Some of the recommendations provide practical and immediate solutions, such as appointing an experienced corrections expert to run the jails, establishing harsher penalties for dishonesty or misconduct, and creating separate patrol and custody career tracks for deputies. Indeed, those seem like things that any effective manager would have done long ago. But as the report notes, Baca was detached and disengaged for years, even as the problems mounted.

The commission's report is thorough, and many of its proposals seem sensible. But even if all 63 were implemented, it's not

clear they would be sufficient. Ultimately, they will amount to little unless accompanied by more fundamental change.

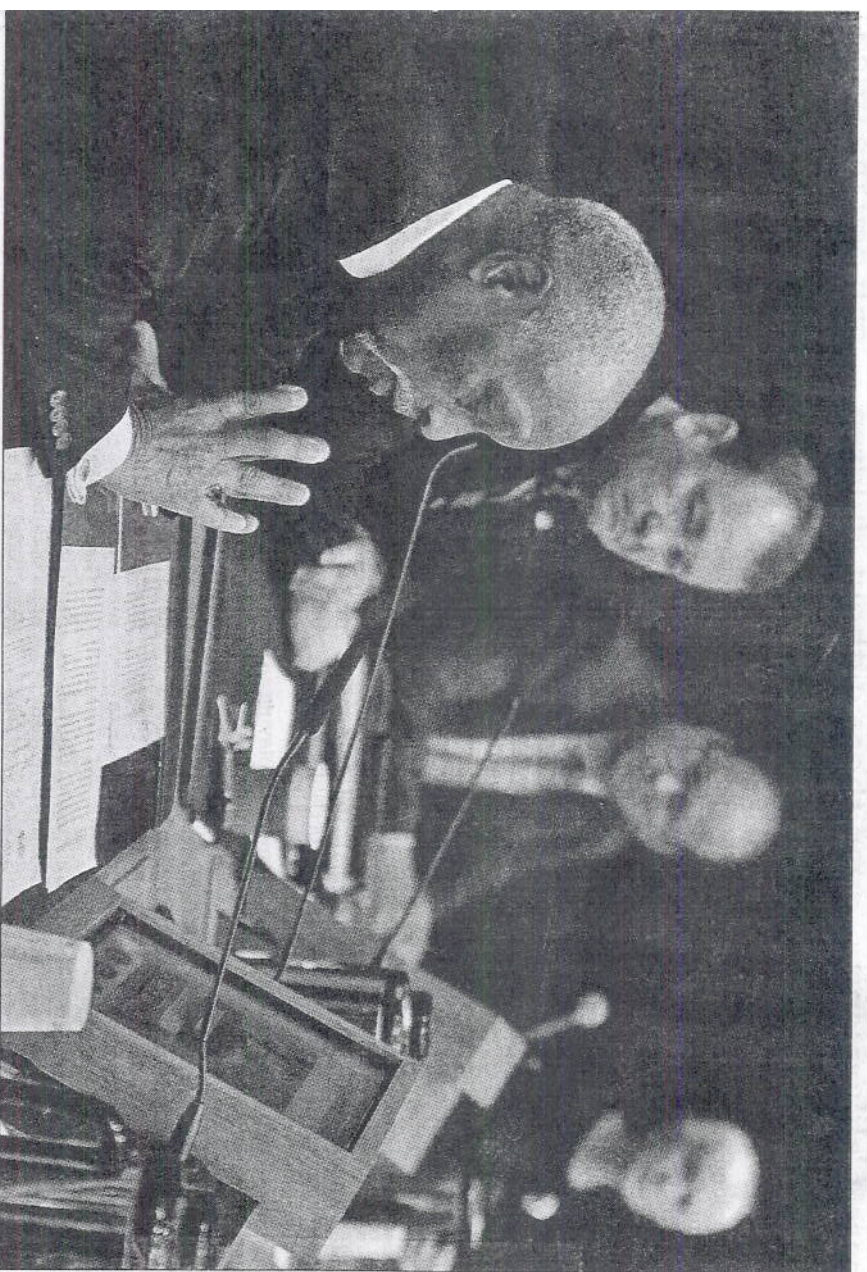
The sheriff has repeatedly said he is committed to reform, but we have yet to see anything beyond tinkering. No one in his command staff, for example, has been disciplined, including the top managers he blames for keeping him in the dark. That includes Undersheriff Paul Tanaka, who the commission says derailed efforts to crack down on excessive force and encouraged deputies to work in an undefined "gray area" that contributed to the culture of violence.

The report's recommendations need to be carefully digested. One that deserves serious consideration would create an office of inspector general, capable of far more robust and independent oversight than is currently done by either the Special Counsel to the Los Angeles County Board of Supervisors or the Office of Independent Review.

Next week, Supervisor Mark Ridley-Thomas will ask that the county consider establishing a citizen review board, not unlike the Los Angeles Police Commission, which oversees the LAPD. That plan also merits serious consideration.

For too long, some deputies have been allowed to abuse inmates with impunity. Voters have kept Baca in office, and he has taken that to mean he can ignore the problems that have cost the county money and public embarrassment. These recommendations offer a chance for a fresh start. Now it's up to Baca.





GERARDO MOLINA Los Angeles Times

THE COMMISSION looking into jail abuse, which includes the Rev. Cecil Murrey, left, Jim McDonnell, Alex Busansky and Lourdes G. Baird, considered calling on Sheriff Lee Baca to resign but decided against it.

# Jail violence Baca's fault, panel says

Commission cites a 'failure of leadership,' proposes long list of fixes to halt abuse in L.A. County lockups.

ROBERT FATURECHI  
AND JACK LEONARD

A blue-ribbon commission blamed Los Angeles County Sheriff Lee Baca on Friday for a pattern of excessive force by his deputies in the county jails, warning that he was running out of time to fix the problems.

The commission, which includes several former judges and a police chief, said Baca did not listen to repeated warnings from the department's civilian watchdogs and inmates-rights advocates about conditions in the jail.

The panel's scathing findings are expected to put pressure on the sheriff to more aggressively deal with the violence in the nation's largest jail system, which is the subject of a wide-ranging FBI criminal investigation.



Associated Press  
SHERIFF LEE BACA

## Jail troubles

Among the findings from the jail abuse commission:

- Baca has failed to monitor and control the use of force in the jails.
- Jailers have used force on inmates disproportionate to the threat posed or when there was no threat at all.
- Deputies have enabled inmates to use force against other inmates.
- Deputies have used humiliation as a tool to harass inmates.
- Sheriff's Department statistics on use of force are not reliable.



Commissioners held Baca responsible for the scandal, which they attributed to a "failure of leadership." The panel's members said they considered calling for Baca to resign but decided against doing so, hoping that he would prove willing to carry out their recommendations.

Commissioner Jim McDonnell, chief of the Long Beach Police Department, said he was concerned that federal authorities would ask a judge to order reforms if Baca does not immediately implement the long list of proposed fixes. Such a move by the federal government would limit Baca's ability to manage his own department and prove costly for the county.

McDonnell and other commissioners said they were disappointed with Baca's testimony at a commission hearing earlier this year when the sheriff was asked how he could be held accountable and responded, "Don't elect me."

"His statement seemingly reflects a lack of genuine concern," said Alex Bussansky, a commissioner and president of the National Council on Crime and Delinquency, an Oakland-based nonprofit. "Real leaders do not need an election to teach them the difference between right and wrong."

Robert C. Bonner, a former federal judge who headed the U.S. Drug Enforcement Administration in the early 1990s, said Baca "seems to have had his head in the sand." Still, Bonner said, he cautiously believed

[See Baca, A14]

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# Leadership Blamed in inmate abuse

By Christina Villacorte Staff Writer

In a searing indictment of Los Angeles County Sheriff Lee Baca, a blue-ribbon panel blamed his "failure of leadership" for deputies engaging in what it called a pattern of excessive use of force against inmates, yet stopped short of demanding he be stripped of control over the nation's largest jail system.

In a report Friday, the Citizens' Commission on Jail Violence urged Baca to implement sweeping reforms and consider firing his second-in-command, saying Undersheriff Paul Tanaka exacerbated the problem by "encouraging deputies to push the legal boundaries of law enforcement activities" and "discouraging accountability for misconduct."

"Although Tanaka's future at the department is beyond the commission's mandate, the commission believes that the sheriff should consider whether the undersheriff should have any operational role or be in the chain of command over any part of the department," it said.

The sheriff's spokesman, Steve Whitmore, said Baca was standing by Tanaka.

"It's important to say right now the sheriff is not

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On Friday, the Citizens' Commission on Jail Violence, a blue-ribbon panel appointed by the county Board of Supervisors to investigate allegations of deputies abusing inmates, will issue its recommendations to Baca.

Eliasberg said in a news conference Wednesday the sheriff needs to take action.

"This issue can only be addressed if the department owns up to what is going on in its jails," he said. "If it adopts proper use-of-force policies. If it rigorously trains its deputies

to follow those policies. "And if it firmly disciplines those deputies that do not follow them."

Sandra Neal, a registered nurse and adult educator for the Los Angeles Unified School District, said her 26-year-old son sustained severe injuries after deputies punched and kicked him in the head hours after he was arrested for fare evasion.

"The beating caused multiple facial fractures, nasal fractures, fractured teeth, multiple contusions and fractured ribs," she said. "The beating caused him to suffer a collapsed lung that eventually required surgery. He also had burning on his skin from pepper spray."

Neal said after she expressed outrage and despair over the incident, Baca sent her a letter saying the case had been thoroughly investigated and the deputies' actions were found to be in compliance with the department's use-of-force policy.

"How is that possible?" she asked. "My son is not violent; he is not aggressive. But even if he had done something aggressive, which I do not believe for a moment, how could it be within the sheriff's policy for deputies to kick my son's teeth in and shatter bones in his face?"

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## LETTERS Code of silence

Re "Sheriff is blamed for 'failure of leadership'" (Sept. 29): Does anyone actually believe Los Angeles County Sheriff Lee Baca didn't know about the abuses going on in the county jails? On the job since 1965 and having worked inside them as all deputies do, he must have been the model for the "see no evil, hear no evil, speak no evil" poster.

— Bob Driscoll, Woodland Hills



**My concern is that if serious remedial action is not taken immediately, federal authorities may pursue legal action against the county, which would likely result in a consent decree."**

— LONG BEACH POLICE CHIEF JIM MCDONNELL,  
a commissioner

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making any changes in his command staff," he said.

Whitmore added Baca would hold a news conference — though not immediately — in Men's Central Jail to address the commission's concerns and offer a tour of the much-maligned facility.

"We dispute the finding that there has been an inadequate level of leadership," Whitmore said. "If anything, the sheriff has stepped up his leadership."

"The sheriff is going to take some time to decipher (the commission's report), to analyze it, do some of his own independent investigation, but he thinks a lot of the recommendations have already been done," Whitmore added.

The commission — composed of several retired judges, a police chief, and religious and civil rights leaders — was appointed by the county Board of Supervisors last year after the American Civil Liberties Union went public with 70 sworn statements from purported eyewitnesses to beatings of inmates by deputies in 2010 and 2011.

But the commission found the pattern of violence dated back further, noting "a long history of deputy cliques" or groups of deputies who formed gangs with names such as the Little Devils, the Vikings, the Regulators and others.

Yet, the commission said, Baca ignored the abuse in jails and spurned reforms proposed by oversight entities over decades.

"The problem of excessive and unnecessary force in the Los Angeles County jails was the result of many factors, beginning most fundamentally with a failure of leadership in the department," the commission said.

"Dismissal is not an option, of course, when talking about an elected public official," it added. "But the Commission was disturbed by the Sheriff's 'don't elect me' response to a question about how he should be held accountable for the troubling history of the jails under his watch.

"His statement seemingly reflects a lack of genuine concern about and acknowledgment of the severity of the problem."

The commission considered taking the jails out of Baca's hands and creating a separate county Department of Corrections.

"But we ultimately rejected that," said retired federal judge Robert Bonner, one of the commissioners.

"I, personally, have confidence that when the sheriff sits down and reflects on our findings and recommendations, he will implement — if not every single one of them — then most of them."

Other commissioners warned if Baca resists the proposed reforms, he would have

to answer to the federal government and the people of Los Angeles County.

"My concern is that if serious remedial action is not taken immediately, federal authorities may pursue legal action against the county, which would likely result in a consent decree," said Long Beach Police Chief Jim McDonnell, another commissioner.

"Perhaps some would agree with Sheriff Baca that the ballot box is the only place for a measurement of his performance," said Alex Busansky, a commissioner and president of the National Council on Crime and Delinquency, who bristled over Baca's "don't elect me" comment.

"Real leaders don't need an election to teach them the difference between right and wrong," he said, adding "Seeking Sheriff Baca's dismissal is beyond the scope of this commission's work; however, it is well within the scope of work of the Board of Supervisors, the press, and our civic and religious leaders."

Among the commission's most important recommendations is to create the position of assistant sheriff for the custody division, who would be directly accountable to Baca who, in turn, would be directly accountable to voters.

The commission also called for consolidating the various oversight entities — Special Counsel, Office of Independent Review, and the Ombudsman — into a single Inspector General who would report to the Board of Supervisors.

It added the sheriff must be "personally engaged" in oversight of the jails; hold his high-level managers accountable for failing to address problems; provide more training to deputies; emphasize respect for, engagement of, and communication with inmates; put more supervisors in charge of deputies; and increase penalties for excessive force and dishonesty.

County Supervisor Mark Ridley-Thomas will introduce a motion at Tuesday's board meeting to assess the viability of establishing both an Inspector General and a Citizens Law Enforcement Commission. He hopes the sheriff will embrace the changes.

"The sheriff has clearly stated his determination to right this ship, and I take him at his word," Ridley-Thomas said.